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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Paul G. Allen

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11/29/2005

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EXAMINER

SHANNON, MICHAEL R

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,576

Applicant(s)

ALLEN, PAUL G.

Examiner

Michael R. Shannon

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 37 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 11-18, filed September 16, 2005, with respect to the rejection(s) of claim(s) 1-6, 8-32, and 34-35 under 35 USC §102(e) as being anticipated by USPN 6,097,441 to Allport and 7 and 33 under 35 USC §103(a) as being unpatentable over Allport have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Allport and Croy et al (USPN 6,476,825).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 and 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (USPN 6,097,441 and 6,104,334), previously cited by Examiner, in view of Croy et al (USPN 6,476,825), cited by Examiner.

The Allport patent number 9,097,441 (hereinafter, the 441 reference) incorporates by reference, Allport patent number 6,104,334 (hereinafter, the 334 reference), which will be partially relied upon for the following rejections (mainly for the specifics of the remote control display and functionality).

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Regarding claim 1, the claimed "remote control device for scheduling television recordings without interfering with a television program being currently watched on a television" is met as follows:

- The claimed "wireless receiver for receiving television program schedule information from an interactive television system" is met by the 441 reference, wherein the remote control of Figure 4 receives data streams from base station unit 75 through RF antenna 280 [441 reference, col. 9, lines 28-31]. The data streams consist of TV schedule data [334 reference, col. 5, lines 59-72].
- The claimed "display device for displaying the television program schedule information" is met by Figure 1 of the 441 reference, in which element 15 represents display device (LCD display 15). Also, as discussed in column 5, lines 59-62 of the 334 reference, the display is used for displaying schedule information.
- The claimed "input device for receiving a user selection of a television program from the displayed television program schedule information" is met by the touch screen 375 of Figure 4 [441 reference]. The consumer places requests for programming by touching the screen in appropriate locations [441 reference, col. 16, lines 10-11].
- The claimed "wireless transmitter for transmitting an indication of the selected television program to the interactive television system to program a recording device to automatically record the selected television program"

is met by the IrDA port 645 of Figure 18 of the 334 reference, which controls devices by transmitting control commands through the port [334 reference, col. 27, lines 41-51]. Also, column 15, lines 31-41 teach that a user can select a program for recording and the IR port sends IR commands right away or in the future to effect recording of the desired program [334 reference, col. 15, lines 31-41]. However, as noted in the Applicant's Arguments presented on September 16, 2005, the Allport reference is deficient in that it does not program the recording device to automatically execute the recording, it instead programs itself to send IR codes at a correct time to execute recording. The Croy reference teaches that the hand-held device can be used to program a VCR for recording of a selected television program (selection of the television program being done via an EPG displayed at the hand-held device) [col. 17, lines 32-47]. It would have been clearly obvious to one of ordinary skill in the art at the time of the invention to program the VCR or other recording device to record a selected program, in order to dependably record a program for viewing at a later time, also, the use of the EPG for selecting a program for recording would be obvious, in order to allow a user to select programming to record, without the need to program in-depth information such as time and channel of the recording, and instead, simply click a button to effect a recording schedule.

Regarding claim 2, the claimed "wireless receiver comprises a radio-frequency receiver" is met by the RF Antenna 280 [441 reference, Fig. 4], which can receive information sent from the base station unit 75 [441 reference, col. 10, lines 17-18].

Regarding claim 3, the claimed "wireless receiver comprises an infrared receiver" is met by IrDA port 360 [441 reference, Fig. 4], which can receive information sent from the base station unit 75 [441 reference, col. 10, lines 17-18].

Regarding claim 4, the claimed "processor integrated with the remote control for generating an electronic programming guide from the television program schedule information, the electronic programming guide for display on the display device" is met by the processor 605 of Figure 18 [334 reference], which can process, list, and browse TV schedules on the display [334 reference, col. 5, lines 59-62].

Regarding claim 5, the claimed "electronic programming guide comprises a plurality of rows corresponding to channels and a plurality of columns corresponding to time slots" is met by Fig. 5, which shows the TV schedule sorted according to Channel and time [334 reference, Fig. 5].

Regarding claim 6, the claimed "indication of the television program comprises an indication of at least a channel and a start time" is met by the information sent to the device to effect playing or recording as discussed previously in the rejection to claim 1. The information can consist of broadcast time, channel, and duration [334 reference, col. 6, lines 5-13]. Furthermore, the Croy reference discusses sending appropriate control information obtained from the internal tables (consisting of television program

information, channels, and times) of the hand-held device, in order to program a recording device to record the specified program [col. 17, lines 32-47].

Regarding claim 7, the Allport and Croy references teach all of that which is discussed above with regards to claim 6. However, neither the Allport reference nor the Croy reference make specific mention of the use of a VCRPlus code, which is automatically transmitted by the remote control device in response to the user selection of the television program to affect the recording of a selected program. The examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to use VCRPlus codes as a way of effecting recording of programs without the user having to know and/or program the details of the recording. The applicant goes as far as to admit that the use of VCRPlus codes simply indicate a program (likewise to the use of a channel and start time indication) [see applicant remarks filed 7 February 2005, page 12, lines 5-6]. The indication (as taught by Allport in the 334 reference, column 15, lines 31-41) of IR commands to effect the recording of a selected program and the recording command as taught in Croy [col. 17, lines 32-47] are done without user knowledge of the details of programming or setting up the specific recording details (which is the same concept used in VCRPlus). Therefore, the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to utilize VCRPlus codes, in order to present a consumer-friendly device that would react to how the consumer requests a record command of a title-based program description as suggested by Allport [334 reference, col. 9, lines 21-43].

Regarding claim 8, the claimed “wireless receiver is to receive a secondary television signal from the interactive television system for display on the display device” is met by the capability of the display device to display images produced by broadcast TV signals [441 reference, col. 6, lines 18-20] and the fact that the data streams pass from the base station unit 75 to the remote control 10 via wireless communications capable of transmitting full motion vide [441 reference, col. 10, lines 9-15].

Regarding claim 9, the claimed “display device is touch sensitive, such that the television program is selected in response to a user touching an indication of the television program on the display device” is met by the touch screen 375 of Figure 4 [441 reference]. The consumer places requests for programming by touching the screen in appropriate locations [441 reference, col. 16, lines 10-11].

Regarding claim 26, the claimed “method for providing an electronic programming guide for scheduling television recordings without interfering with a television program being currently watched on a television” is met as follows:

- The claimed steps of “receiving television program schedule information at a set top box and transmitting the television program schedule information to a remote control for the set top box” are met by the 441 reference, wherein the remote control of Figure 4 receives data streams from base station unit 75 through RF antenna 280 [441 reference, col. 9, lines 28-31]. The data streams consist of TV schedule data [334 reference, col. 5, lines 59-72] downloaded over the Internet.

- The claimed step of “displaying the television program schedule information on a display device integrated with the remote control” is met by Figure 1 of the 441 reference, in which element 15 represents display device (LCD display 15). Also, as discussed in column 5, lines 59-62 of the 334 reference, the display is used for displaying schedule information.
- The claimed step of “receiving a user selection of a television program from the displayed television program schedule information” is met by the touch screen 375 of Figure 4 [441 reference]. The consumer places requests for programming by touching the screen in appropriate locations [441 reference, col. 16, lines 10-11].
- The claimed step of “transmitting an indication of the selected television program to program a recording device to automatically record the selected television program” is met by the IrDA port 645 of Figure 18 of the 334 reference, which controls devices by transmitting control commands through the port [334 reference, col. 27, lines 41-51]. Also, column 15, lines 31-41 teach that a user can select a program for recording and the IR port sends IR commands right away or in the future to effect recording of the desired program [334 reference, col. 15, lines 31-41]. However, as noted in the Applicant’s Arguments presented on September 16, 2005, the Allport reference is deficient in that it does not program the recording device to automatically execute the recording, it instead programs itself to send IR codes at a correct time to execute

recording. The Croy reference teaches that the hand-held device can be used to program a VCR for recording of a selected television program (selection of the television program being done via an EPG displayed at the hand-held device) [col. 17, lines 32-47]. It would have been clearly obvious to one of ordinary skill in the art at the time of the invention to program the VCR or other recording device to record a selected program, in order to dependably record a program for viewing at a later time, also, the use of the EPG for selecting a program for recording would be obvious, in order to allow a user to select programming to record, without the need to program in-depth information such as time and channel of the recording, and instead, simply click a button to effect a recording schedule.

Regarding claim 27, the claimed "wherein the network stores a database comprising the television program schedule information, and wherein receiving comprises receiving the television program schedule information from the network" is met by the ability to download the TV schedule information from the internet (inherently a database connected to the internet) and use that TV schedule in the system [334 reference, col. 5, line 50 – col. 6, line 13].

Regarding claim 28, the claimed "wherein the network comprises a cable network" is met by the mention of Cable TV as a source of video and audio signals 85 with embedded HTML (such as EPG data) [441 reference, Fig. 3].

Regarding claim 29, the claimed “method of claim 26, wherein transmitting comprises transmitting the television program schedule information from a wireless transmitter in the set top box to a wireless receiver in the remote control” is met by the RF antenna 185 of Figure 3 [441 reference], which serves to send data and television signals to the remote control. The TV schedules can be downloaded over this link [334 reference, col. 5, lines 59-62] and television signals can be displayed over this link [441 reference, col. 10, lines 9-15].

Regarding claim 30, the claimed “method of claim 26, wherein displaying comprises generating an electronic programming guide from the television program schedule information for display on the display device” is met by the processor 605 of Figure 18 [334 reference], which can process, list, and browse TV schedules on the display [334 reference, col. 5, lines 59-62].

Regarding claim 31, the claimed “electronic programming guide comprises a plurality of rows corresponding to channels and a plurality of columns corresponding to time slots” is met by Fig. 5, which shows the TV schedule sorted according to Channel and time [334 reference, Fig. 5].

Regarding claim 32, the claimed “indication of the television program comprises an indication of at least a channel and a start time” is met by the information sent to the device to effect playing or recording as discussed previously in the rejection to claim 1. The information can consist of broadcast time, channel, and duration [334 reference, col. 6, lines 5-13]. Furthermore, the Croy reference discusses sending appropriate control information obtained from the internal tables (consisting of television program

information, channels, and times) of the hand-held device, in order to program a recording device to record the specified program [col. 17, lines 32-47].

Regarding claim 33, the Allport and Croy references teach all of that which is discussed above with regards to claim 32. However, neither the Allport reference nor the Croy reference make specific mention of the use of a VCRPlus code, which is automatically transmitted by the remote control device in response to the user selection of the television program to affect the recording of a selected program. The examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to use VCRPlus codes as a way of effecting recording of programs without the user having to know and/or program the details of the recording. The applicant goes as far as to admit that the use of VCRPlus codes simply indicate a program (likewise to the use of a channel and start time indication) [see applicant remarks filed 7 February 2005, page 12, lines 5-6]. The indication (as taught by Allport in the 334 reference, column 15, lines 31-41) of IR commands to effect the recording of a selected program and the recording command as taught in Croy [col. 17, lines 32-47] are done without user knowledge of the details of programming or setting up the specific recording details (which is the same concept used in VCRPlus). Therefore, the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to utilize VCRPlus codes, in order to present a consumer-friendly device that would react to how the consumer requests a record command of a title-based program description as suggested by Allport [334 reference, col. 9, lines 21-43].

Regarding claim 34, the claimed "wireless receiver is to receive a secondary television signal from the interactive television system for display on the display device integrated with the remote control" is met by the capability of the display device to display images produced by broadcast TV signals [441 reference, col. 6, lines 18-20] and the fact that the data streams pass from the base station unit 75 to the remote control 10 via wireless communications capable of transmitting full motion vide [441 reference, col. 10, lines 9-15].

Regarding claim 35, the claimed "display device is touch sensitive, such that the television program is selected in response to a user touching an indication of the television program on the display device" is met by the touch screen 375 of Figure 4 [441 reference]. The consumer places requests for programming by touching the screen in appropriate locations [441 reference, col. 16, lines 10-11].

4. Claims 10-25, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (USPN 6,097,441 and 6,104,334), previously cited by Examiner, in view of BUSINESS WIRE (Non-Patent Literature, PocketTV Brings Video to Palm-size PC).

Regarding claim 10, the claimed "entertainment system" is met as follows:

- The claimed "set top box configured to provide a television signal to a first display device, the set top box further configured to store television program schedule information" is met by the base station unit 75, which firstly sends television signals to TV via line 105 [Fig. 2], and which secondly contains flash ROM 210 [Fig. 3] for storing working information

(such as TV schedules that can later be downloaded to the remote control as previously discussed) [441 reference, col. 14, lines 25-29].

- The claimed “remote control for the set top box configured to receive the television program schedule information from the set top box using a wireless method” is met by the 441 reference, wherein the remote control of Figure 4 receives data streams from base station unit 75 through RF antenna 280 [441 reference, col. 9, lines 28-31]. The data streams consist of HTML schedule data [441 reference, col. 6, lines 49-54]. The TV schedules can be downloaded into the memory of the remote and then listed and browsed [334 reference, col. 5, lines 59-62]. The claimed “remote control comprising a second display device configured to display the television program schedule information” is met by the LCD screen of Figure 1 [441 reference], which can display TV schedule information [334 reference, col. 5, lines 59-62]. The claimed “remote control further comprising a storage device to store a secondary television signal from the set top box for later display on the second display device” is met by the capability of the display device to display images produced by broadcast TV signals [441 reference, col. 6, lines 18-20] and the fact that the data streams pass from the base station unit 75 to the remote control 10 via wireless communications capable of transmitting full motion video [441 reference, col. 10, lines 9-15]. The Allport reference does not teach that video information can be stored on the remote control device for later

viewing at the remote control device. BUSINESS WIRE discusses a PocketTV system that allows the storage and viewing of stored content at a hand-held device. Paragraph one discloses that the PocketTV is an MPEG movie viewer on a handheld PC. Paragraph two discloses that the handheld PC can store the MPEG movies in a highly compressed memory at the handheld device. It would have been clearly obvious to one of ordinary skill in the art at the time of the invention to store video content at the handheld device for later viewing, in order to allow for a miniature VCR that can fit in your pocket, and to allow for viewing of content on a secondary device, without interrupting viewing on the primary device (accomplished by viewing of the TV broadcast without storing it in the Allport reference).

Regarding claim 11, the claimed set top box comprises a wireless transmitter configured to transmit the television program schedule information and secondary television signal to the remote control" is met by the RF antenna 185 of Figure 3 [441 reference], which serves to send data and television signals to the remote control. The TV schedules can be downloaded over this link [334 reference, col. 5, lines 59-62] and television signals can be displayed over this link [441 reference, col. 10, lines 9-15].

Regarding claim 12, the claimed "wireless transmitter comprises at least one of a radio-frequency transmitter and an infrared transmitter" is met by the RF Antenna 185 [441 reference, Fig. 3], which can send information from the base station unit 75 to the remote control [441 reference, col. 10, lines 17-18].

Regarding claim 13, the claimed "remote control comprises a wireless receiver configured to receive the television program schedule information and the secondary television signal from the wireless transmitter in the set top box" is met by the 441 reference, wherein the remote control of Figure 4 receives data streams from base station unit 75 through RF antenna 280 [441 reference, col. 9, lines 28-31]. The data streams consist of TV schedule data [334 reference, col. 5, lines 59-72] and secondary television signals [441 reference, col. 10, lines 9-15].

Regarding claim 14, the claimed "wireless receiver comprises at least one of a radio-frequency receiver and an infrared receiver" is met by the RF Antenna 280 [441 reference, Fig. 4], which can receive information sent from the base station unit 75 [441 reference, col. 10, lines 17-18].

Regarding claim 15, the claimed "network stores a database comprising television program schedule information, and wherein the set top box comprises a network interface configured to access the database and receive the television program schedule information from the network" is met by the ability to download the TV schedule information from the internet (inherently a database connected to the internet) and use that TV schedule in the system [334 reference, col. 5, line 50 – col. 6, line 13].

Regarding claim 16, the claimed "network comprises a cable network" is met by the mention of Cable TV as a source of video and audio signals 85 with embedded HTML (such as EPG data) [441 reference, Fig. 3].

Regarding claim 17, the Allport and BUSINESS WIRE references disclose all of that which is discussed above with regards to claim 15. Neither the Allport reference

nor the BUSINESS WIRE reference discloses that the set top box is configured to receive automatic updates of the television program schedule information from the network. The examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to provide EPG information to the user on a rotating carousel (automatically updated) basis. Therefore, the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to automatically update the television schedule information, in order to provide the most current EPG information to the user without the user having to actually make a physical request for the information, thereby providing a user-free download of the most current EPG data.

Regarding claim 18, the Allport and BUSINESS WIRE references disclose all of that which is discussed above with regards to claim 17. Neither the Allport reference nor the BUSINESS WIRE reference discloses that the automatic updates of the television program schedule information are received using a carousel technique. The examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to provide EPG information to the user on a rotating carousel (automatically updated) basis. Therefore, the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to automatically update the television schedule information using a carousel delivery technique, in order to provide the most current EPG information to the user without the user having to actually make a physical request for the information, thereby providing a user-free download of the most current EPG data.

Regarding claim 19, the claimed "set top box is configured to receive the television program schedule information in response to a request from the set top box" is met by the ability for the consumer and therefore, the set top box to request information from the internet or other data source and download it into the memory of the remote control [334 reference, col. 6, lines 26-30].

Regarding claim 20, the claimed "remote control comprises a processor configured to generate an electronic programming guide from the television program schedule information, the electronic programming guide for display on the second display device" is met by the processor 605 of Figure 18 [334 reference], which can process, list, and browse TV schedules on the display [334 reference, col. 5, lines 59-62].

Regarding claim 21, the claimed "electronic programming guide comprises a plurality of rows corresponding to channels and a plurality of columns corresponding to time slots" is met by Fig. 5, which shows the TV schedule sorted according to Channel and time [334 reference, Fig. 5].

Regarding claim 22, the claimed "electronic programming guide comprises at least one indication of a television program, and wherein the remote control comprises a wireless transmitter configured to transmit a control signal in response to a user selection of a television program from the electronic programming guide" is met by the IrDA port 645 of Figure 18 of the 334 reference, which controls devices by transmitting control commands through the port [334 reference, col. 27, lines 41-51]. Column 6, lines 2-5 teach the ability to send an IR Command to devices to effect the playing of the

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program selected by the consumer [334 reference, col. 6, lines 2-5]. Also, column 15, lines 31-41 teach that a user can select a program for recording and the IR port sends IR commands right away or in the future to effect recording of the desired program [334 reference, col. 15, lines 31-41].

Regarding claim 23, the claimed "system of claim 22, wherein the control signal is configured to cause the first display device to display the selected television program" is met by column 6, lines 2-5 of the 334 reference, wherein Allport teaches the ability to send an IR Command to devices to effect the playing of the program selected by the consumer [334 reference, col. 6, lines 2-5].

Regarding claim 24, the claimed "system of claim 22, wherein the control signal is configured to cause a video recording device to record the selected television program" is met by column 15, lines 31-41 of the 334 reference, wherein Allport teaches that a user can select a program for recording and the IR port sends IR commands right away or in the future to effect recording of the desired program [334 reference, col. 15, lines 31-41].

Regarding claim 25, the claimed "second display device is touch sensitive, such that the television program is selected in response to a user touching an indication of the television program on the second display device" is met by the touch screen 375 of Figure 4 [441 reference]. The consumer places requests for programming by touching the screen in appropriate locations [441 reference, col. 16, lines 10-11].

Regarding claim 37, the claimed "system of claim 10, wherein the storage device comprises a hard drive" is met by the CompactFlash card discussed in the BUSINESS

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WIRE reference. The Applicant even notes that hard disk drives and flash type memories are synonymous in the art and can be used interchangeably for the same task [Specification, page 14, lines 3-6]. Therefore, the CompactFlash card of the BUSINESS WIRE reference very easily reads on the claimed hard drive.

Allowable Subject Matter

5. Claim 36 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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401 Dulany Street
Alexandria, VA 22314

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Or faxed to: (571) 273-8300

Hand-delivered responses should be brought to:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
November 22, 2005



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600